

Federal Communications Commission

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the petition and issue a concise statement of the reason for such denial and disposing of all substantial issues raised by the petition.

[28 FR 12454, Nov. 22, 1963, as amended at 49 FR 30946, Aug. 2, 1984]

§ 1.972 Grants by random selection.

(a) The provisions of this section, including provisions incorporated by reference, may apply to applications for initial licenses:

(1) For stations in the following Private Radio Services:

Part 80—Stations in the Maritime Services
Part 87—Aviation Services
Part 90—Private Land Mobile Services
Part 95—Subpart F—Personal Radio Services
Part 101—Subpart H—Private Operational
Fixed Point-to-Point Microwave Service.

(2) In any other proceedings in the Private Radio Services in which the Commission determines that there is no material difference in competing applicants' abilities to serve the public interest.

(b) Applications in the services specified above shall be tendered, filed, accepted or dismissed, publicly noted, and subject to Petitions to Deny in accordance with § 1.962 and the rules and policies established for each respective service.

(c) If there are mutually exclusive applications for an initial license for stations subject to part 80 or part 87 of this chapter, or if there are more applications for an initial license in part 90, part 95-subpart F, or part 101-subpart H of this chapter, than can be accommodated on available frequencies, the Commission may process the applications pursuant to a system of random selection. Each such random selection shall be conducted pursuant to an order issued by the Wireless Telecommunications Bureau and under the direction of the Chief of the Bureau.

(d) Expedited hearing proceedings may be used to apply comparative criteria to determine which applications will be granted, denied or subjected to random selection. The selection percentages, preferences, and probability calculations prescribed in § 1.1621 *et seq.* of this part are not applicable to any system of random selection conducted in the Private Radio Bureau. Following the random selection, the Commission

will announce the tentative selectee and determine whether the tentative selectee is qualified to receive the license under the rules applicable to the respective service. Where authorized under § 1.962, Petitions to Deny which have been filed against the tentative selectee before the random selection will be reviewed and processed prior to grant, in accordance with § 1.962 and rules applicable to each respective service. If the Commission determines that the tentative selectee has satisfied all requirements, it will grant the application. If it is determined that an initial tentative selectee is not qualified to receive the license grant, another tentative selectee chosen from among the same applicant pool during the same random selection will be designated until a qualified applicant is determined. If the Commission determines that a substantial and material question of fact exists, it will designate the question for hearing. Hearings may be conducted by the Commission or the Chief of the Private Radio Bureau, or, in the case of a question which requires oral testimony for its resolution, an Administrative Law Judge.

[48 FR 27201, June 13, 1983, as amended at 48 FR 43330, Sept. 23, 1983; 49 FR 30946, Aug. 2, 1984; 50 FR 4650, Feb. 1, 1985; 51 FR 31304, Sept. 2, 1986; 57 FR 8274, Mar. 9, 1992; 59 FR 24957, May 13, 1994; 61 FR 26671, May 28, 1996]

§ 1.973 Designation for hearing.

(a) If the Commission is unable to make the findings prescribed in § 1.971(a) and does not utilize the system of random selection prescribed in § 1.972 of this part, it will formally designate the application for hearing on the grounds or reasons then obtaining and will notify the applicant and all other known parties in interest of such action.

(b) Orders designating applications for hearing will specify with particularity the matters in issue.

(c) Parties in interest, if any, who are not notified by the Commission of its action in designating a particular application for hearing may acquire the status of a party to the proceeding by filing a petition for intervention showing the basis of their interest not more than 30 days after publication in the FEDERAL REGISTER of the hearing

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issues or any substantial amendment thereto.

(d) The applicant and all other parties in interest shall be permitted to participate in any hearing subsequently held upon such applications. Hearings may be conducted by the Commission or by the Chief of the Private Radio Bureau, or, in the case of a question which requires oral testimony for its resolution, an Administrative Law Judge. The burden of proceeding with the introduction of evidence and burden of proof shall be upon the applicant, except that with respect to any issue presented by a Petition to Deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission or the Chief of the Private Radio Bureau.

[48 FR 27202, June 13, 1983]

REPORTS TO BE FILED WITH THE COMMISSION

§ 1.981 Reports, annual and semi-annual.

(a) Licensees of stations authorized for developmental operation shall submit a report on the results of the developmental program. The report shall be filed with and made a part of each application for renewal of authorization.

(b) The report shall include comprehensive and detailed information on the following:

- (1) The final objective.
- (2) Results of operation to date.
- (3) Analysis of the results obtained.
- (4) Copies of any published reports.
- (5) Need for continuation of the program.
- (6) Number of hours of operation on each frequency.

(c) Where required by the particular service rules, licensees who have entered into agreements with other per-

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sons for the cooperative use of radio station facilities must submit annually an audited financial statement reflecting the nonprofit cost-sharing nature of the arrangement to the Commission's offices in Washington, D.C., no later than three months after the close of the licensee's fiscal year.

Subpart G—Schedule of Statutory Charges and Procedures for Payment

SOURCE: 52 FR 5289, Feb. 20, 1987, unless otherwise noted.

§ 1.1101 Authority.

Authority to impose and collect these charges is contained in title III, section 3001 of the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239), revising 47 U.S.C. 158, which directs the Commission to prescribe charges for certain of the regulatory services it provides to many of the communications entities within its jurisdiction. This law revises section 8 of the Communications Act of 1934, as amended, which contains a Schedule of Charges as well as procedures for modifying and collecting these charges.

[55 FR 19155, May 8, 1990]

§ 1.1102 Schedule of charges for applications and other filings in the wireless telecommunications services

Those services designated with an asterisk in the payment type code column have associated regulatory fees that must be paid at the same time the application fee is paid. Please refer to Section 1.1152 for the appropriate regulatory fee that must be paid for this service.

Action	FCC Form No.	Fee amount	Payment type code	Address
1. Land Transportation:				
a. New, Renewal, Reinstatement.	600 & 159	45	PALR*	Federal Communications Commission, Land Transportation, P.O. Box 358130, Pittsburgh, PA 15251-5130
b. Modification, Assignment, Non-profit, CMRS.	600 & 159, 490 & 159.	45	PALM	Federal Communications Commission, Land Transportation, P.O. Box 358130, Pittsburgh, PA 15251-5130
2. Industrial/Business Pool:				
a. New, Renewal, Reinstatement.	600 & 159	45	PALR*	Federal Communications Commission, Industrial/Business Pool, P.O. Box 358130, Pittsburgh, PA 15251-5130